

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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RYAN K. ROZAK,

Plaintiff,

v.

SCOTT RANDT and JEREMY BAILEY,

Defendants.

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ORDER

15-cv-367-jdp

Plaintiff Ryan K. Rozak, a prisoner at the Fox Lake Correctional Institution, alleges that prison officials violated his First Amendment rights by retaliating against him for filing lawsuits and grievances. In an April 20, 2018 order, I granted summary judgment to defendants on some of Rozak's claims. Dkt. 50. The following claims remain:

- Defendant Randt refused to hire Rozak for a "PCW" job, and he would not allow Rozak to take two pieces of fruit out of the dining hall.
- Defendant Bailey harassed him about one of his previous lawsuits in this court, no. 15-cv-134-jdp, about the FLCI water being contaminated with lead and copper. Bailey pounded and kicked on his cell door and "made embarrassing statements" about him and his lawsuit while other inmates were around.

Trial is currently set for July 23. Rozak has now renewed his motion for the court's assistance in recruiting him counsel, Dkt. 53, and he has filed a motion to postpone his deposition, scheduled for May 31, Dkt. 55.

Despite Rozak's grade-school reading level and limited knowledge of the law, I denied his previous motions for recruitment of counsel in part because I was not convinced that the case was too complex for him. Rozak now renews his motion, but he does not provide any more insight into why he cannot litigate the trial himself. Unlike his previous case about the drinking

water at his prison, this current case does not involve complex scientific issues. His claims are about whether defendants retaliated against him. At trial, he will need to provide all the evidence he has to show how he knows that defendants meant to retaliate against him. This is a relatively simple task that he should be able to accomplish by testifying himself, calling other witnesses, or submitting documents proving that events occurred the way he alleges they did. So I will deny his renewed motion. I will follow this order with an order setting forth some trial preparation instructions for his benefit.

Rozak also asks to postpone his deposition until he is represented by an attorney. But I am denying his motion for recruitment of counsel, and he does not suggest that he is on the verge of obtaining counsel himself. So I will deny his motion to postpone the deposition.

#### ORDER

IT IS ORDERED that:

1. Plaintiff Ryan K. Rozak's motion for the court's assistance in recruiting him counsel, Dkt. 53, is DENIED.
2. Plaintiff's motion to postpone his deposition, Dkt. 55, is DENIED.

Entered May 24, 2018.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge